

SENATE BILL 543
EMERGENCY BILL

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E3

2004 Regular Session
4r1894

By: **Senators Frosh, Giannetti, Green, and Jimeno**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services - Reform Progress Reporting**

3 FOR the purpose of limiting to a certain period of time the term of a certain
4 agreement or contract that the Department of Juvenile Services enters with
5 certain persons for certain services involving the Charles H. Hickey, Jr. School;
6 requiring the Department, with the assistance and cooperation of the State
7 Department of Education and the Department of Health and Mental Hygiene, to
8 provide to the Governor and certain members of the General Assembly certain
9 plans, assessments, recommendations, and reports on certain juvenile services
10 in the State by a certain date; requiring the Department to adopt certain
11 regulations by a certain date; requiring the Department to contract for a certain
12 evaluation of the Department's procurement and contracting procedures by a
13 certain date; making this Act an emergency measure; and generally relating to
14 the Department of Juvenile Services and juvenile services in the State.

15 **Preamble**

16 WHEREAS, The Governor of Maryland has proposed a number of reforms to
17 the juvenile services system in this State, including:

18 (1) Juvenile facilities reform by the downsizing of the Cheltenham Youth
19 Facility to make it a small, modern, best-practice facility; reforming the Charles H.
20 Hickey, Jr. School through an emphasis on education, mental health, drug treatment,
21 and staff training; and conducting a facilities study to include a proposal for a Secure
22 Youth Facility for youths facing incarceration in adult facilities;

23 (2) Educational reform through requirements for the State Department
24 of Education to assume educational programming at all facilities in the Department
25 of Juvenile Services by 2004; adoption of transition plans for youths returning to
26 public school from Department of Juvenile Services facilities; and adoption of a
27 statewide truancy prevention plan to prevent children from entering the juvenile
28 system;

29 (3) Mental health and health care reform through supporting and
30 funding the 3-year Department of Health and Mental Hygiene and Department of
31 Juvenile Services plan for enhanced mental health services; expanding the number of

1 mental health counselors in the juvenile services system to a ratio of 25 children per
2 counselor; implementing suicide prevention training programs; and addressing the
3 links between child welfare and juvenile cases;

4 (4) Prevention of racial injustice and disparities in the juvenile system
5 through the use of an Assistant Secretary for Minority Justice Services to identify and
6 reduce unfair practices, establish cultural competency in training programs for
7 juvenile services personnel, and implement racially neutral screening and
8 assessments of children in the juvenile system; and

9 (5) Management and staffing reforms in the juvenile system through the
10 establishment and enforcement of strict personnel guidelines for Department of
11 Juvenile Services employees to protect against abuse of the children; recruiting,
12 training, and retaining qualified juvenile services staff by offering competitive
13 salaries and manageable caseloads that reflect case manager staffing ratios of 20
14 children per manager for troubled families and 30 children per manager for lesser
15 risk families; evaluating existing Department of Juvenile Services staff functions; and
16 improving information systems coordination to share key data on juvenile case
17 histories with juvenile services systems statewide and to improve data collection
18 policies; and

19 WHEREAS, Chronic overcrowding in unsafe, antiquated, and inadequate
20 facilities, the pursuit of flawed juvenile justice management policies, the inability to
21 adequately address and prevent abuse of children by juvenile personnel and by other
22 youths in various juvenile facilities, and the inadequate funding of alternative
23 juvenile treatment programs and adequate, well-trained juvenile staff, have
24 historically plagued the ability of the State to provide safe, secure, and positive
25 environments to help reform and support its troubled juveniles; now, therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the term of any agreement or contract that the Department of
28 Juvenile Services enters with a private vendor or private person for providing
29 juvenile services for the Department at the Charles H. Hickey, Jr. School after the
30 effective date of this Act may not exceed 1 year.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
32 Juvenile Services, with the assistance and cooperation of the State Department of
33 Education and the Department of Health and Mental Hygiene as indicated, shall
34 provide to the Governor, the President of the Senate, and the Speaker of the House of
35 Delegates, and to the Chairmen of the Senate Budget and Taxation Committee,
36 House Appropriations Committee, Senate Judicial Proceedings Committee, and the
37 House Judiciary Committee of the General Assembly, by December 31, 2004, the
38 following:

39 (1) A 10-year Master Facility Plan for all locked and staff secure
40 detention and commitment facilities operated or contracted for by the Department.
41 The Master Facility Plan shall be a comprehensive analysis of the risks and needs of
42 youth referred to the Department and shall reflect a reduced reliance on large locked
43 institutions by planning for smaller, secure facilities near youths' homes and placing

1 appropriate youth in community-based settings or at home under adequate
2 supervision;

3 (2) A comprehensive Reform Plan for the development of
4 community-based services that will effectively serve as alternatives to secure
5 detention and institutional placements for at least two-thirds of the youths in the
6 juvenile justice system and the development of family-centered aftercare case plans
7 for addressing delinquent and at-risk behavior, including outcome-based evaluations
8 and management of those case plans;

9 (3) A joint recommendation with the State Department of Education on
10 how the State will provide an equal and adequate education to all youth in the care
11 and custody of the Department when the youths are isolated from customary
12 community educational services;

13 (4) A joint assessment with the Department of Health and Mental
14 Hygiene of the costs and actions necessary to implement the 3-year plan for enhanced
15 mental health services and to:

16 (i) Integrate this plan into the Department's comprehensive
17 Health Services Division 3-year plan published in 2003;

18 (ii) Establish assessment and treatment programs in facilities and
19 prevention and early intervention programs in the community and aftercare services;
20 and

21 (iii) Identify barriers to funding and means to maximize federal
22 funds;

23 (5) The identification and evaluation of appropriate somatic health,
24 mental health, substance abuse, and nutrition services to youth that come within the
25 jurisdiction of the Department;

26 (6) A joint recommendation with the Department of Health and Mental
27 Hygiene on how the State will provide appropriate health care to all youth under the
28 care of the Department;

29 (7) A report on efforts taken to identify and reduce disproportionate
30 minority confinement in each county in the State, including Baltimore City, and to:

31 (i) Collaborate with local jurisdictions to collect offense data by
32 race, offense, and zip code;

33 (ii) Analyze risk assessment procedures in each jurisdiction; and

34 (iii) If disproportionate minority confinement is found to exist,
35 identify the source or level at which the disproportionality exists and alternatives
36 that are available to decrease or eliminate disproportionate minority confinement;
37 and

1 (8) A management plan for:

2 (i) The evaluation of existing staff functions throughout the
3 Department and all State, local, and private staff functions, including intake, clinical,
4 probation, case management, and aftercare;

5 (ii) The establishment of professional qualifications, competency
6 testing, educational and training requirements, and credentialing for all positions in
7 the Department;

8 (iii) An aggressive recruitment effort to hire the most qualified
9 workers and retention efforts using performance-based evaluations with merit-based
10 incentives and competitive salaries, and to ensure proper caseloads for all public and
11 private employees that are competitive with neighboring states; and

12 (iv) Increasing the grade level and credentials of direct care workers
13 equal to that of field workers.

14 SECTION 3. AND BE IT FURTHER ENACTED, That by December 31, 2004,
15 the Department of Juvenile Services shall adopt regulations for its programs and
16 facilities that are consistent with existing State standards applying to private child
17 residential programs and facilities, including meeting all of the requirements of
18 Chapter 396 of the Acts of the General Assembly of 2002.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the Department of
20 Juvenile Services shall contract for an independent evaluation of the efficacy and
21 effectiveness of the Department's procurement and contracting procedures and report
22 its findings by December 31, 2004. The Department shall ensure that the contractor
23 provides a report to the Secretary, the Governor, and the General Assembly not later
24 than December 31, 2004.

25 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an
26 emergency measure, is necessary for the immediate preservation of the public health
27 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
28 members elected to each of the two Houses of the General Assembly, and shall take
29 effect from the date it is enacted.